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**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON**

<b>LYNDA THOMAS,</b>	) Case No.
	)
Plaintiff,	) <b>COMPLAINT FOR VIOLATION</b>
	) <b>OF FEDERAL FAIR DEBT</b>
vs.	) <b>COLLECTION PRACTICES ACT</b>
	) <b>AND INVASION OF PRIVACY</b>
<b>APEX FINANCIAL)</b>	
<b>MANAGEMENT, LLC,</b>	)
	)
Defendant.	)

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**I. NATURE OF ACTION**

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA") and of the Revised Code of Washington, Chapter 19.16, both of which prohibit debt collectors from engaging in abusive, deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of privacy by intrusion, ancillary to Defendant's collection efforts.

COMPLAINT FOR VIOLATIONS OF THE FAIR  
DEBT COLLECTION PRACTICES ACT-I

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3 **II. JURISDICTION**

4 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

5 **III. PARTIES**  
6

7 3. Plaintiff, Lynda Thomas, is a natural person residing in the State of  
8 Washington, County of Okanogan, and City of Riverside.

9 4. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. §  
10 1692a(3), and a “debtor” as defined by RCW § 19.16.100(11).  
11

12 5. At all relevant times herein, Defendant, Apex Financial Management,  
13 LLC, (“Defendant”) was a limited liability company engaged, by use of the mails  
14 and telephone, in the business of attempting to collect a “debt” from Plaintiff, as  
15 defined by 15 U.S.C. §1692a(5).  
16  
17

18 6. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §  
19 1692a(6), and a “licensee,” as defined by RCW § 19.16.100(9).  
20

21 **IV. FACTUAL ALLEGATIONS**

22 7. At various and multiple times prior to the filing of the instant complaint,  
23 including within the one year preceding the filing of this complaint, Defendant  
24 contacted Plaintiff in an attempt to collect an alleged outstanding debt.  
25  
26  
27

Defendant's conduct violated the FDCPA and RCW § 19.16 in multiple ways, including but not limited to:

- a. Overshadowing the disclosures required by 15 USC § 1692g(a) during the thirty-day dispute period, including threatening within the 30-day dispute period to add additional collection fees onto Plaintiff's debt if she did not agree to pay in full immediately (1692g(b));
- b. Failing to provide Plaintiff with the notices required by 15 USC § 1692g, either in the initial communication with Plaintiff, or in writing within 5 days thereof. Defendant called Plaintiff for the first time on or about November 6, 2009. Defendant was required to send Plaintiff a letter regarding the 30-day dispute period within 5 days of this communication, but did not. Defendant did not send a letter until November 13, 2009 (§ 1692g(a)).

**COUNT I: VIOLATION OF FAIR DEBT  
COLLECTION PRACTICES ACT**

8. Plaintiff reincorporates by reference all of the preceding paragraphs.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;

- C. Statutory damages;
- D. Costs and reasonable attorney's fees; and,
- E. For such other and further relief as may be just and proper.

**COUNT II: VIOLATION OF WASHINGTON COLLECTION AGENCY  
ACT, WHICH IS A PER SE VIOLATION OF THE WASHINGTON  
CONSUMER PROTECTION ACT**

11. Plaintiff reincorporates by reference all of the preceding paragraphs.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that judgment be entered  
against the Defendant for the following:

- A. Actual damages;
- B. Discretionary Treble Damages;
- C. Costs and reasonable attorney's fees,
- D. For such other and further relief as may be just and proper.

Respectfully submitted this 15th day of March, 2010.

s/Jon N. Robbins  
Jon N. Robbins  
WEISBERG & MEYERS, LLC  
Attorney for Plaintiff